

MINUTES
IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA EASTERN, DIVISION

HON. CHARLES S. COODY, MAG. JUDGE AT MONTGOMERY, ALABAMA

DATE COMMENCED: 8/10/05 AT 9:03 a.m. to 9:09 a.m.

DATE COMPLETED: 8/10/05 AT FTR RECORDING

HARLEYSVILLE MUTUAL INSURANCE
COMPANY

Plaintiff

vs..

GRADY'S TIRE & AUTO SERVICE, INC.,
et al.

Defendant

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CASE NO. 3:05CV469-CSC

PLAINTIFF

APPEARANCES:

DEFENDANT

Atty. Robert Larry Bradford

Atty. Stanly Allen Martin
Atty. Davis Middlemas
Mr. Kenneth Lamar Hubbard, Pro Se

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COURT OFFICIALS PRESENT:

COURTROOM DEPUTY: WANDA STINSON

LAW CLERK: CORRIE LONG

(X) OTHER PROCEEDINGS: **TELEPHONE SCHEDULING CONFERENCE**

SEE MINUTES ATTACHED

LOG OF PROCEEDINGS ELECTRONICALLY RECORDED			
Description	Scheduling Conference - 3:05cv469-CSC		
Date	8 /10/2005	Location	Courtroom 4B
Time	Speaker	Note	
9 :03:13 AM	Court	Telephone Conf begins; parties on line as noted; Discussion of Motion to Dismiss; Discussion as to parties consenting to mag judge or case being transferred to district judge; Discussion as to Service of Deft. Hubbard;	
9 :03:55 AM	Atty. Martin	Informs the court that Deft Grady's Tire & Auto has been dismissed already;	
9 :04:02 AM	Court	Question as to who's representing Ms. Shaw;	
9 :04:22 AM	Atty. Middlemas	Informs the court that he represents Ms. Shaw	
9 :04:58 AM	Court	Discussion of Harleysville Mutual's Motion to dismiss is uopposed; Discussion that all parties have to consent to the Mag. Judge; We do not have consents from everybody; Either everybody have to consent or the case will be transferred to a district judge;Suggest the better thing to do is to transfer the case to a district judge so that the dispositive motion to dismiss to be determined;	
9 :06:11 AM	Atty. Middlemas	That's fine;	
9 :06:17 AM	Court	Discussion as to service of Mr. Hubbard;	
9 :06:38 AM	Atty. Middlemas	He's been served, but he has not answered;	
9 :06:42 AM	Court	And he's incarcerated and may not answer;	
9 :06:49 AM	Atty. Bradford	He's been notified of this and the call in number;	
9 :06:57 AM	Mr. Hubbard	Acknowledges being on line with conf. call;	
9 :07:02 AM	Court	Questions as to continuing in case representing himself;	
9 :07:06 AM	Mr Hubbard	Response as to no having the money to get lawyer at this time;	
9 :07:09 AM	Court	Understands under the circumstances; Will get case transferred to the district judge; Discussion as to any objections to the dismissal of Grady's Tire & Auto service.	
9 :07:35 AM	Atty. Middlemas	No sir;	
9 :07:38 AM	Mr. Bubbard	No sir;	
9 :07:38 AM	Court	Will indicate that to the district judge;	
9 :07:45 AM	Bradford	Will file a default as to the remaining defendants;	
9 :08:05 AM	Mr. Hubbard	Questions as to would the case be thrown out;	
9 :08:12 AM	Court	Explanation to Deft Hubbard, that there is a pending motion to dismiss Grady Tire and Auto Service, that would take them out of the case. but the case will remain open;	
9 :08:27 AM	Atty. Bradford	Response;	
9 :08:38 AM	Court	Case was brought plaintiff to this court to determine what rights and responsibilities it had regarding the insured under a policy of insurance;	
9 :09:02 AM	Court	Willk get this case transferred. Conference call ends.	